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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/643,306
Filing Date: August 18, 2003
Appellant(s): PROUDLER, GRAEME JOHN

Richard P. Berg,
Reg. No. 28,145
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 18, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which

will directly affect or be directly affected by or have a bearing on the Board's decision in the pending

appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the

brief is incorrect.

The amendment after final rejection filed on February 29, 2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030196119 A1	Raley et al.	10-2003
20020019934 A1	Ishizaki	2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-43 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raley et al. US 2003/0196119 A1 (hereinafter Raley) in view of Ishizaki US 2002/0019934 A1 (hereinafter Ishizaki).

As per claims 1, 43 and 50, Raley teaches a method of controlling processing of data in a computer apparatus, wherein the data comprises a plurality of usage rules for a plurality of data items stored by said computer appaaratus (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and comprising applying individualized usage rules to each of the data items based on measurement of integrity of a computing entity to which the data items are made available (i.e., based on verification of the integrity of the environment of the client 230, see figure 2, page 4, paragraph 0052-page 5, paragraph 0054 and pages 11-12 claim 1], instantiating the set of the data items at the computing entity depending upon the integrity of the computing entity and the usage rule applicable to each data item in said set [page 4, paragraph 0052-page 5, paragraph 0054]. Raley is silent on said data items being logically grouped together as a set of data items. Within the same field of endeavor, Ishizaki teaches a method of controlling processing of data, including, data items being logically grouped together as a set of data items and controlling processing of the data items [paragraphs 0016, 0018 and 0019]. It could have been obvious to one having ordinary skill in the art at the time of applicant's invention to logically group a set of data items as taught by Ishizaki and employ it within the data items of Raley to achieve the predictable result of grouped based controlling of processing of data.

As per claim 33, Raley teaches a method of controlling processing of data, wherein the data comprises a plurality of data items, said rule acting to individually define the usage and/or security to be observed when processing each of the data items, the data items having a rule associated therewith (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and in which forwarding of the data items is performed in accordance with mask means (i.e., encryption/decryption) provided in association

with the rules [pages 4-5, paragraph 0053]. Raley is silent a set of logically related data items. Within the same field of endeavor, Ishizaki teaches a method of controlling processing of data, including, a set of logically related data items and controlling processing of the data items [paragraphs 0016, 0018 and 0019]. It could have been obvious to one having ordinary skill in the art at the time of applicant's invention to logically group a set of data items as taught by Ishizaki and employ it within the data items of Raley to achieve the predictable result of grouped based controlling of processing of data.

As per claims 2-4, Raley further teaches the method in which at least some of the usage rules comprises masking instructions for masking the associated data items [paragraphs 0050 and 0053].

As per claim 5, Raley further teaches the method in which the usage rules define security rules for the associated data [paragraphs 0050 and 0053].

As per claims 6-8 and 39, Raley further teaches the method in which the data may be transferred between a plurality of computing entities and the instantiation of the data at each computing entity depends on the capabilities of that entity [page 4, paragraph 0052-page 5, paragraph 0054].

As per claims 9-11, Raley further teaches the method in which a computing entity can reliably and irrevocably deny future access to selected data items [page 4, paragraph 0053].

As per claim 12, Raley further teaches the method in which computing entities negotiate with one another concerning the use of the data before the data is made available (i.e., usage rights) [paragraph 0050].

As per claims 13, 14 and 40, Raley further teaches the method in which the data has constraints defining conditions for use of the data (i.e., usage rights) [paragraph 0050].

As per claims 15-17 and 41, Raley further teaches the method in which the data further includes test data [paragraph 0065].

As per claims 18 and 19, Raley further teaches the method in which a node requesting access to the data supplies hostage material to the node issuing the data prior to the issuance of the data [paragraph 0065].

As per claims 20-23 and 42, Raley further teaches the method in which a node finding itself in possession of data whose history or content do not meet predetermined requirements, formats the data and places it in a repository [paragraphs 0108-0109].

As per claims 24-27, Raley further teaches the method in which a node wishing to present the data for retrieval places the data in a repository [see figure 2].

As per claims 28 and 29, Raley further teaches the method in which constraints associated with the data determine whether the data will process on anything other than a trusted computing platform [paragraph 0050].

As per claims 30-32, Raley further teaches the method in which the security contracts are stored separately from the data [paragraph 0050 and figure 2].

As per claim 34 Raley further teaches the method in which the mask comprises at least one of a symmetric encryption string, symmetric encryption key, and an asymmetric encryption key [paragraph 0050].

As per claim 35, Raley further teaches the method in which the rules associated with the data items are adhered to in preference to data handling rules associated with a computing entity processing the data [paragraphs 0050-0054].

As per claims 36-38, Raley further teaches the method in which at least some of the rules comprise masking instructions for masking the associated data items [paragraphs 0050 and 0054].

(10) Response to Argument

Appellant argues that it is not obvious to combine the teachings of Raley and Ishizaki. Appellant argues that, "Raley documents 222 (web pages) somehow morph into 'data items' such as one might see in a normal database in this analysis. The data within single row of a normal database is usually grouped, but the row items are not grouped. In Raley individual documents are more akin to row items of a database, so why group them? And exactly what 'predictable result' in terms of improving upon Raley would occur of these documents are somehow grouped?" Appellant further argues that, the claim recite that the data items are 'logically grouped together as a set of data items' or 'a set of logically related data items'. Grouping the words in a single Raley document (webpage) in accordance with Ishizaki does not meet this language. One does not arrive at a set of webpages by following the Examiner's analysis.

Examiner would point out that the term 'data item' is a broad term, which is not clearly defined in the specification of the present application. In Raley, the term 'document' refers to any type of content, such as text, audio, web pages, or other data (see paragraph 0044), and therefore, it is understood by the examiner the

term document as taught by Raley is equivalent to the claimed term 'data items'. Examiner would further point

out that, the analysis/argument relied by the Appellant (i.e., "data within a single row of a normal database …

items of a database,") are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case the documents of Raley could be grouped together

for example, into <u>freely distributable documents and documents requiring authorization</u> (see for example,

paragraph 0057). Therefore, It would have been obvious to one having ordinary skill in the art at the time of

applicant's invention was made to logically group a set of data items as taught by Ishizaki (paragraphs 0016,

001 and 0019) and employ it within the data items (documents) of Raley to achieve the predictable result of

grouped based controlled processing of data items [see Raley, paragraph 0057].

With respect to independent claims 1, 43 and 50, Appellant argues that Raley fails to teach applying

individualized usage rules to each of the data items based on a measurement of integrity of a computing entity

to which the data items are to be made available.

Examiner would point out that, Raley teaches a method of controlling the processing of data, wherein

the data comprises a plurality of usage rules for a plurality of data items, and applying individualized usage

rules to each of the data items (i.e., plurality of usage rights applied to Documents 222, wherein different

appropriate list of rights are applied to each document (i.e., individualized), paragraphs 0050 and 0054),

based on a measurement of integrity of a computing entity to which the data items are to be made available

(i.e., based on the result of verification of the integrity of the environment of the client 230, see figure 2, page 4,

paragraph 0052-page 5, paragraph 0054 and <u>pages 11-12</u>).

With respect to independent claim 33, Appellant argues that Raley does not 'individually define usage

and/or security to be observed when processing each of the data items in the set of data items'. Appellant

further argues that, Raley's encryption / decryption discussed at paragraph 0053 does not mask the recipient from any set of data items, and it is unreasonable to read Raley's encryption / decryption on the claimed 'forwarding of the set of data items is performed in accordance with mask means' in view of applicant's disclosure.

Examiner would point out that, the specification recites, "each data items can be made confidential by masking it. This may, for example be achieved by encrypting the data item with its own associated encryption key. ... each fields is preferably individually masked by the use of encryption or other forms of masking" [page 3, lines 8-15, of the present specification]. Based on this disclosure of the present invention, it is understood by the examiner that masking data items is equivalent to encrypting documents as taught by Raley. Examiner would further point out that Raley teaches a method of controlling processing of data, wherein the data comprises a plurality of rules associated with a plurality of data items, said rule acting to individually define (i.e., appropriate list of rights to each document, paragraphs 0053-0054) the usage and/or security to be observed when processing each of the data items, the data items having a rule associated therewith (i.e., plurality of usage rights applied to Documents 222, see figure 2 and page 4, paragraph 0050), and in which forwarding of the data items is performed in accordance with mask means (i.e., encryption/decryption) provided in association with the rules [pages 4-5, paragraph 0053].

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Beemnet W Dada/

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